

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LUNAREYE, INC.,

Plaintiff/Counter-Defendant,

V.

WEBTECH WIRELESS INC.,

Defendant/Counter-Plaintiff.

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C.A. NO. 9:07-CV-114

**LETTERS ROGATORY TO THE
SUPREME COURT OF BRITISH COLUMBIA, CANADA**

FROM THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF TEXAS, LUFKIN DIVISION, UNITED STATES OF AMERICA, TO THE SUPREME
COURT OF BRITISH COLUMBIA, CANADA.

This proceeding is pending in the United States District Court for the Eastern District of Texas, Lufkin Division in which LunarEye Inc., of Liberty County, Texas is plaintiff and Webtech Wireless, Inc., of Burnaby, British Columbia is defendant. It is necessary for, and in the interests of Justice, to obtain the sworn testimony and documents in the possession of the following individuals located within your jurisdiction:

Robert Kramer
800 West Pender Street, Suite 1430
Vancouver, B.C. V6C 2V6

Eldon Heppner
200, 346 Lawrence Avenue
Kelowna, B.C. BCV1Y 6L4

This civil proceeding is a patent infringement dispute in which the LunarEye has accused Webtech of infringing U.S. Patent No. 6,484,035 (the '035 patent"). Justice cannot be completely done between the parties without the testimony of Mr. Kramer and Mr. Heppner,

who have personal knowledge and documents concerning facts material to the outcome of this proceeding.

LunarEye no longer directly manufactures, markets, or sells its products. Therefore, information relating to those subjects and others directly relevant to defenses and counter-claims Webtech intends to rely upon at trial must be obtained from those involved in the manufacture and distribution of the patented technology. Mr. Kramer is Chairman and Chief Executive Officer of Current Technology Corp of Vancouver, British Columbia. In 2007 Current Technology acquired Celevoke, a company that manufactures and sells products pursuant to a license from Plaintiff. Celevoke has a distribution agreement for related technology with The Real Security Company of Kelowna, British Columbia, of which Mr. Heppner is the Chief Executive Officer. This Court has determined that the evidence sought is relevant to this proceeding, is likely to be necessary for trial of this matter, and cannot otherwise be obtained. This action is in the discovery phase, and will likely proceed to trial as early as January 2010.

THEREFORE, I request that you cause:

Mr. Kramer and Mr. Heppner, by your proper and usual process, to appear before a court reporter in British Columbia, at an appropriate time and place, to answer on his oath or affirmation, questions regarding the '035 patent and LunarEye, to be posed to them by counsel for the parties in this action during a videotaped deposition.

WE SHALL be ready and willing to do the same for you in a similar case when requested. The courts of the United States are authorized by statute, Section 1782, title 27 of the United States Code, to extend similar assistance to the tribunals of British Columbia.

Mr. Kramer, Mr. Heppner and this Court shall be notified by counsel for the Defendants of the time and place of the examinations. The fees and costs incurred in the execution of the letters rogatory, including any costs incurred or demanded by your authority, shall be borne by the defendants.

So **ORDERED** and **SIGNED** this **7** day of **August, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge